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RUEAHLA/HOMELAND SECURITY CENTER WASHINGTON DC  
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DHS FOR ICE/OPLA AND ICE/OIA; DOJ FOR OSI AND OIA; STATE  
FOR EUR/AGS

E.O. 12958: N/A  
TAGS: [CPAS](#) [PREL](#) [AU](#)  
SUBJECT: UPDATE ON GOA REVIEW OF CASE OF JOSIAS KUMPF

REF: (A) VIENNA 1521 (B) BHATT(DHS) E-MAIL 10/27/08  
TO STEPHEN MADDEN

¶1. (U) Econ/Pol Counselor delivered points provided in Ref B on the status of Josias Kumpf to Austrian MFA Deputy Political Director Helmut Tichy on 10/29. Tichy welcomed the information, and confirmed that, while not germane to the GOA's decision on Kumpf's return under the terms of the 1988 U.S.-Austrian Joint Statement, the information was of considerable practical value in dealing with Kumpf, should he return. Tichy's sole substantive comment was to the effect that there would need to be further discussion of the legal terms of Kumpf's travel. On first reading, Austria was unaware of any legal option for granting Kumpf a travel document. Emboff pointed out that the USG could not issue Kumpf with a document that would authorize his entry into Austria.

¶2. (U) Tichy also handed over a diplomatic note and attachment explaining that Austria could not prosecute Kumpf for any alleged crimes committed before April 6, 1945, when Kumpf turned 20. Under Austrian law, the statute of limitations on all crimes committed by Kumpf as a minor has expired. Emboff noted the information, and that the USG had not expressed any interest in Kumpf's prosecution by Austria.

¶3. (U) Lastly, Tichy reported that Austria was in contact with Poland regarding Poland's possible criminal interest in Kumpf. He affirmed that this was not relevant to the GOA's determination of the case under the 1988 Statement.

¶4. (U) Tichy expected a final GOA decision on Kumpf's return within the next two weeks.

¶5. (U) Comment: DHS may wish to have available for discussion with the GOA information on how receiving states have handled travel in previous removal cases - particularly in cases involving stateless persons. End Comment.  
GIRARD-DICARLO